

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL
WASHINGTON,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

No. 2:20-cv-2261 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed several discovery-related motions. ECF Nos. 86, 87, 89, 90. Defendants have filed notices of intent not to respond to some of them. ECF Nos. 88, 92. In response, plaintiff moved for leave to file objections to defendants' notices. ECF No. 93. For the reasons stated below, plaintiff's motions to compel will be denied as premature, his motion to file objections to defendants' response will be denied as moot, and defendants will be directed to respond to plaintiff's fourth amended complaint.

In January 2022, plaintiff's original complaint was screened and ordered served on certain defendants. ECF No. 13. After defendants opted out of the court's Alternative Dispute Resolution Program (ECF Nos. 25, 26), they answered the complaint (ECF No. 30) and a discovery and scheduling order issued (ECF No. 31). That order was subsequently vacated when

1 plaintiff sought and was granted leave to amend the complaint. ECF No. 34. Several putative
2 amended complaints and a trip to the Ninth Circuit later, it was ordered on July 11, 2023, that the
3 case would proceed on certain claims against the current defendants in the fourth amended
4 complaint. ECF Nos. 76 (findings and recommendations), 84 (order adopting same). Since then,
5 plaintiff has filed the various motions now before the court.


6 Because defendants have not answered the operative complaint and the court has not set a
7 schedule for the litigation, plaintiff's motions to compel discovery are premature. Discovery has
8 not yet begun. The motions therefore will be denied. Because briefing of those motions is
9 unnecessary, plaintiff's motion to file objections will also be denied.

10 Defendants will now be directed to file a response to the fourth amended complaint. Once
11 they have done so, a discovery and scheduling order will issue.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's motions at ECF Nos. 86, 87, 89, 90 are DENIED as premature;
- 14 2. Plaintiff's motion for leave to file objections to defendants' response, ECF No. 93, is
15 accordingly DENIED as moot; and
- 16 3. Within twenty-one days from the date of this order, defendants shall file a response to
17 plaintiff's fourth amended complaint.

18 DATED: September 14, 2023

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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